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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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COMMITTEE AGAINST TORTURE
Twenty-eighth session
29 April-17 May 2002

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Conclusions and recommendations of the Committee against Torture

LUXEMBOURG

1. The Committee considered the combined third and fourth periodic reports of Luxembourg (CAT/C/34/Add.14) at its 514th, 517th and 525th meetings, held on 7, 8 and 15 May 2002 (CAT/C/SR.514, 517 and 525), and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the third and fourth periodic reports of Luxembourg, which were combined in a single document following the Committee's recommendation. The report was submitted on time and is in full conformity with the guidelines of the Committee for the preparation of State party periodic reports. The Committee compliments the State party for the excellent quality of its report and welcomes the fruitful and constructive dialogue with the high-level delegation of the State party during its consideration.

B. Positive aspects

3. The Committee commends the State party for maintaining a high level of respect for human rights in general and for its obligations under the Convention in particular.

4. The Committee notes the following positive developments:

(a) That all matters of concern as well as previous recommendations of the Committee have been positively addressed in detail;

(b) That by the Act of 24 April 2000 torture has been incorporated into the Penal Code as a specific crime and an aggravating circumstance of a crime or offence against the person. Furthermore, the definition of torture is broadly based on the definition contained in article 1 of the Convention, and relates both to physical and psychological torture;

(c) The establishment of the Advisory Commission on Human Rights on 26 May 2000;

(d) The Act of 31 May 1999 establishing the Grand Ducal police force and the General Police Inspection Department, whose main objective is the merger of the Police and the Gendarmerie. The Act also criminalizes, inter alia, trafficking in persons;

(e) The Act of 14 May 2000 by which Luxembourg ratified the Rome Statute of the International Criminal Court.

C. Subjects of concern

5. The Committee expresses concern about the following:

(a) That minors ordered to be placed in disciplinary centres are put in adult prisons;

(b) The institution of solitary confinement, particularly as a preventive measure during pre-trial detention.

D. Recommendations

6. The Committee recommends that:

(a) The State party refrain from placing minors in adult prisons for disciplinary purposes;

(b) Solitary confinement be strictly and specifically regulated by law and that judicial supervision be strengthened, so that this punishment is applied only in severe circumstances, with a view to its abolition, particularly during pre-trial detention;

(c) The State party consider making provision for appropriate compensation specifically for victims of torture;

(d) The Committee's conclusions and recommendations be widely disseminated in the State party in all appropriate languages.

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